Canadian Intellectual Property Office

An Agency of Industry Canada

Office de la propriété intellectuelle du Canada

Un organisme d'Industrie Canada

Delivering quality services

ANNUAL REPORT 2003–04

Canada

CIPO OPIC

Canadian Intellectual Property Office
Annual Report 2003–04

Delivering quality services

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About us

The Canadian Intellectual Property Office (CIPO), a special operating agency of Industry Canada, is responsible for administering Canada's system of intellectual property (IP) rights, namely patents, trade-marks, copyrights, industrial designs and integrated circuit topographies.

CIPO's key functions include:

- *assessing and granting requests for IP rights;*
- *disseminating the technical information underlying these creations to allow other inventors to build on existing innovations;*
- *encouraging invention, innovation and creativity in Canada;*
- *providing expert advice on IP administration to other countries; and*
- *promoting Canada's IP interests internationally.*

Specifically, CIPO receives and examines applications for trade-marks, patents, copyrights, industrial designs and integrated circuit topographies; grants and registers these IP rights; and administers their renewal, assignment and transfer. It also oversees the qualifying examinations for patent and trade-mark agents. Its primary clients are applicants for IP protection, agents representing those applicants, exploiters of IP systems and the Canadian business community.

*CIPO provides IP information via its Web site (*www.cipo.gc.ca*) and through publicly accessible databases. It is responsible for publishing the* Trade-marks Journal *and the* Canadian Patent Office Record*; and also publishes information guides on its products, bulletins, reports and news releases. To facilitate and encourage the acquisition of IP rights and the exploitation of IP information, CIPO also has a program to raise awareness of the value of IP amongst the Canadian business community, innovators and creators.*

Vision, mission and values

Vision

To be a leading intellectual property office recognized for excellence in our products and services and for strengthening Canada's innovative capacity, through ongoing quality improvement, continuous development of our employees and adherence to our values.

Mission

To accelerate Canada's economic development by:

- **fostering** the use of the intellectual property (IP) system and the exploitation of IP information;
- **encouraging** invention, innovation and creativity in Canada;
- **administering** the IP system in Canada (patents, trade-marks, copyrights, industrial designs and integrated circuit topographies); and
- **promoting** Canada's international IP interests.

Values

Integrity
Fairness
Respect
Efficiency
Trust
Continuous improvement

Canadian Intellectual Property Office
An Agency of Industry Canada

Office de la propriété intellectuelle du Canada
Un organisme d'Industrie Canada

Our client service commitment

By telephone

- We answer your call with courtesy and efficiency and, if necessary, refer you to the appropriate officer to deal with your enquiry in the official language of your choice.
- We record all voice mail greetings clearly and bilingually.
- We listen to voice messages at least once a day and return your call by the end of the next business day.

In person

- We greet you in the official language of your choice.
- We provide you with access to an Information Officer at the Client Service Centre to deal with your enquiry within ten minutes.
- If you wish to meet with a specialist, you must make an appointment beforehand.

General mail, e-mail and fax enquiries

- We correspond with you in the official language of your choice.
- We acknowledge general correspondence and fax requests within five working days.
- We acknowledge requests by e-mail and the Internet within two working days.

If you wish to formally register feedback concerning any of the products and services offered by CIPO, please use our on-line feedback mechanism located on the CIPO Web site by selecting the "Contact Us" button.

How to reach us

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Canada

CIPO OPIC

List of acronyms and initialisms

ANCAFA	Accumulated net charge against the fund's authority
APEC	Asia-Pacific Economic Cooperation
CIPO	Canadian Intellectual Property Office
CRM	Client Relationship Management
DCA	Deferred capital assistance
IP	Intellectual property
IPEA	International Preliminary Examining Authority
IPEG	Intellectual Property Rights Experts Group
ISA	International Searching Authority
IT	Information technology
OHIM	Office for Harmonization in the Internal Market
PAB	Patent Appeal Board
PAYE	Payable at year-end
PCT	Patent Cooperation Treaty
TMOB	Trade-marks Opposition Board
WIPO	World Intellectual Property Organization

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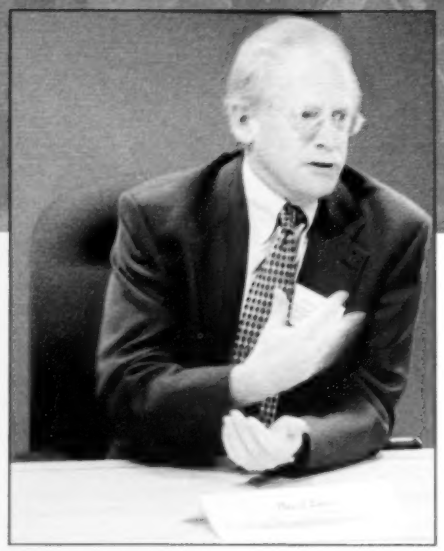


Message from the CEO

The Canadian Intellectual Property Office (CIPO) made significant progress on a number of fronts during 2003–04.

Our successful recruitment campaign continued, principally with the addition of patent examiners.

The foundation is now in place to reduce the backlog and improve turnaround times for patents, and continue to do so for trade-mark applications. Plans are in place to enhance quality in all product lines. These are some of the measures we put in place to provide clients with timely and quality service, one of our key objectives.

To gauge the success of our efforts, we continued to measure client satisfaction. As well, we took further steps to broaden and deepen CIPO's relationship with clients through a rigorous complaint management system and improving client consultations.

In order to accomplish these and other activities, and after consultation with our clients, CIPO put in place a new fee structure on January 1, 2004. This was the first fee increase in 15 years.

On the international scene, one of our key challenges during 2003–04 was to prepare for the implementation of our new services as an International Searching Authority and International Preliminary Examining Authority under the *Patent Cooperation Treaty*. These services will be launched in the summer of 2004.

We have also completed the first year of a five-year Human Resources Plan. It is designed to continue to attract suitable staff, provide proper training, and retain these employees.

I believe that CIPO is on the right track to provide timely and quality services to its clients and play an increasingly influential role on the global intellectual property (IP) stage, all through a workplace that thrives on its diverse and motivated employees. CIPO is committed to "delivering quality services."

I would like to take this opportunity to thank our clients and our colleagues in the IP community for their ongoing support. And, I would particularly like to thank all staff for their outstanding contributions to CIPO's many successes. Their ongoing dedication ensures the accomplishment of the organization's vision of being a world-class IP office.

David Tobin
Commissioner of Patents,
Registrar of Trade-marks and
Chief Executive Officer

The year at a glance

Over the past years the global demand for IP protection has accelerated, in large part due to increased economic integration, scientific and technological advances and a growing awareness domestically and internationally of the strategic value of IP rights.

In order to keep pace with rapidly changing developments, CIPO maintains a five-year Business Plan committed to:

- delivering high-quality, timely, cost-effective products and services to meet clients' needs;
- ensuring Canada has a modern and responsive IP framework;
- developing an effective outreach program to increase the awareness, knowledge and efficient use of IP by Canadians;
- attracting and retaining a qualified and productive workforce capable of meeting CIPO's business challenges; and
- operating as a world-class business management regime.

These priorities have led CIPO to modernize its operations, expand its influence on the world stage, and contribute to policy development domestically and internationally. CIPO has also made it a high priority to improve service to clients, and to help Canadian innovators acquire IP rights by reaching out to Canada's enterprises and entrepreneurs with the help of partners and other like-minded organizations in the public, private and non-governmental sectors.

To do this work effectively, CIPO devoted considerable energy and resources to ensuring that its underlying corporate infrastructure, including its human resource policies, its information handling system, its information technology systems and its business processes were capable of supporting and advancing its objectives.

For the second year in a row, the Trade-marks Branch achieved the most significant service improvements. This year, the backlog of trade-mark applications shrank by 42 percent and the average waiting time between filing a trade-mark application and the first action by a trade-mark examiner was cut almost in half to 6.5 months (see Figure 7). The Patent Branch also maintained and improved its workflow over the year, with patent examiners disposing of more applications than ever before.

Over the year, CIPO continued to work in a variety of different fora on the international stage to foster the protection of Canadian innovations, creations and ideas, and to expand the delivery of products and services in new and emerging markets.

CIPO values its relationship with its clients very highly and has been focusing on client feedback as the main driver of product and service improvements, and the inspiration for new client services. This year, it adopted a range of client satisfaction indicators, developed an ongoing client consultation process, and implemented an electronic client complaint management system.

Another of CIPO's key objectives is to ensure that Canadian businesses, innovators and creators have the right information, products and services at the right time. The Outreach Program that it created to achieve this objective undertook a number of new initiatives over the year.

An example of CIPO's close contact with its clients can be found in the growing usefulness of its Web site. Web site transactions grew to an unprecedented four million in 2003–04, up from three million the previous year.

Finally, CIPO experienced unprecedented growth over the year: nearly 70 new employees were hired, bringing the total number of employees to 878. This increase has contributed and will contribute to CIPO's ability to improve service — for example, clients expressed strong overall satisfaction with the agency in a survey conducted in September 2003.

This report outlines the work CIPO undertook in 2003–04 to offer fuller, faster, more user-friendly services through improving operations, maintaining qualified personnel, and developing an enhanced international profile.

Delivering high-quality products and services

Over the past year, CIPO continued to improve production and capacity, as well as service to clients. Efforts to automate search processes, streamline search and examination procedures, change training programs and add substantially to examination staff have paid off in higher output and reduced backlogs. The fall 2003 National Client Satisfaction Survey provided CIPO with client feedback that has helped shape the priorities for the delivery of CIPO products and services.

Trade-marks

The Trade-marks Branch determines whether an applicant is entitled to the exclusive use of a trade-mark for a specific set of wares or services. Trade-mark applications that meet the requirements of the *Trade-marks Act* are published in the *Trade-marks Journal* and may be registered if they remain unopposed for a period of two months.

Highlights

For the second year in a row, the Trade-marks Branch achieved significant service improvements, largely due to the continuation of its intensive three-year effort to revamp the branch's workflow by automating search processes, streamlining examination procedures, changing training programs and increasing the number of examiners. While these dramatic changes created some initial difficulties, timelines, speed of service and reduction in backlogs materialized in 2002–03 and continued over the past year. In 2003–04, the backlog of trade-mark applications shrank by an impressive 42 percent to 19 443, from over 33 600 in the previous year. As well, the average waiting time between filing an application and the first action by a trade-mark examiner fell to 6.5 months by the end of the year, compared to over 12 months at its beginning.

Trade-marks Opposition Board

The Trade-marks Opposition Board (TMOB) rules on cases where an applicant:

- opposes the registration of a proposed trade-mark advertised in the *Trade-marks Journal*; or
- requests the removal of a trade-mark from the trade-marks register on the grounds that the mark is not used in Canada (section 45).

The TMOB considers evidence and renders decisions on behalf of the Registrar of Trade-marks.

In 2003–04, a total of 2073 statements of opposition and section 45 applications were made to the Board. The TMOB decides about 4 percent of cases, since most are either settled or abandoned by the parties. Decisions of the Registrar of Trade-marks can be appealed to the Federal Court of Canada.

This year, the TMOB faced a backlog of cases and increased waiting times for hearings as the result of staff and hearing officer shortages. However, with these problems now resolved, the Board is looking to streamline its procedures. The new Chair of the Board is beginning discussions with the IP profession regarding improved service.

Patents

The Patent Branch handles all aspects of the patent process, including:

- receiving, classifying, examining and processing applications for patents;
- granting patents;
- registering transfers of ownership;
- collecting fees; and
- ensuring that the technical data underlying patent applications and patented inventions is faithfully transcribed and available for public scrutiny.

The granting of a patent allows patentees to exclude others from making, using or selling their inventions for a period of 20 years from the Canadian date of filing.

The Branch serves a wide variety of clients, including national and international patent applicants, inventors, business professionals, academics, and international organizations.

Highlights

The Patent Branch continued its trend of significantly improved production, ending the year with 26 731 disposals compared to 22 864 disposals the year before.

Applications received during the year totaled 38 201 compared to 39 535 in 2002–03 (see Table 1). However, requests for examination were greater than forecast (39 373 were received) leaving the Branch with higher inventories than expected at the end of the year. Nevertheless, the Branch surpassed its examination production goal at the end of the year.

Service delivery improvements were also made in the Patent Branch operation areas in direct response to client priorities. Formalities' turnaround times were reduced to seven weeks from eight weeks the previous year, and service standards remained at this improved level.

The Branch not only focused on production but also invested heavily in the future. It welcomed 49 additional patent examiners into the fold in 2003–04, increasing the ranks of examination personnel to 253. The training for examiners is rigorous: they start their career with an intensive three-month classroom program before moving to their section under the supervision of a senior examiner and "mentor." They return to the classroom for a month of advanced training at the end of their first year and spend their second year perfecting and honing their skills before completing their apprenticeship.

First group of patent examiners (and instructors) to complete the basic formal training program.

During 2003–04, a major review of the *Manual of Patent Office Practices* was initiated. Significant progress took place as the direct result of a dedicated group of Branch staff with excellent support from the patent profession, which provided feedback to rewritten and updated priority chapters. This review will continue in 2004–05.

International activities

Over the year, the Branch continued to prepare to function as an International Searching Authority (ISA) and an International Preliminary Examining Authority (IPEA) under the *Patent Cooperation Treaty*. This international treaty facilitates the acquisition of patent protection in 123 countries through the filing of a single international application. In September 2002, the Assembly of the Patent Cooperation Treaty Union of the World Intellectual Property Organization approved Canada's application to become an ISA and IPEA. In the wake of this accreditation, the Patent Branch appointed a project management team, and initiated the processes and

Volume of work in the Patent Branch

- Scanning of over 1 000 000 pieces of correspondence.
- Processing of over 38 000 patent filings.
- Registering of over 61 000 assignments.
- Processing of over 39 000 requests for examination.
- Granting of over 12 000 patents.
- Processing of almost 260 000 maintenance fee payments.
- Preparing of over 32 000 patent examiners' reports.

systems needed to provide this service, including a new information technology infrastructure. CIPO begins offering this new service on July 26, 2004.

Joint Liaison Committee

Over the past year the Joint Liaison Committee met three times and celebrated its 100th meeting. The Committee is composed of members of the patent profession and officials from the Patent Branch. It meets regularly to discuss practices and procedures related to patent business and to exchange information and ideas.

Legislative and regulatory developments

Dutch Industries Decision

On March 7, 2003, the Federal Court of Appeal in the case of *Dutch Industries v. The Commissioner of Patents, Barton No-Till Disk Inc. And Flexi-Coil Ltd.* confirmed an earlier Federal Court decision that curtailed the practice of flexibility exercised by CIPO as it pertained to the minor corrections of incorrectly paid patent fees. The Court also ruled that the entity status of an application or patent is established upon first engagement with the patent regime and that subsequent fees must be paid on the basis of this initial determination.

The Government of Canada had concerns over the uncertainty that this decision created for the Canadian patent system and consequently issued a press release on August 8, 2003, announcing its intention to amend the *Patent Act* to clarify the payment of certain patent fees. On December 22, 2003, CIPO launched a public consultation on proposed amendments to the *Patent Act* that would provide a mechanism for the retroactive correction of past fee payment when a fee was incorrectly paid at the small entity fee level instead of the large entity fee level. Work will be completed in the near future to provide greater clarity to the patent fee payment regime.[1]

The Patent Appeal Board

The Patent Appeal Board (PAB) is a three-member advisory body in the Patent Office. Cases are referred to this Board when a patent examiner or an industrial design examiner rejects an application and the applicant is unwilling to amend the application to overcome the rejection or cannot persuade the examiner that the rejection should be withdrawn. The Board reviews the prosecution of the application, holds a hearing if requested by the applicant and makes a recommendation to the Commissioner of Patents as to whether or not the application should be accepted. The Commissioner considers the Board's recommendations and renders a decision that may be appealed to the Federal Court of Canada.

The PAB also:

- makes a recommendation to the Commissioner about which patent applicant is entitled to claim an invention where two or more applicants are seeking rights over the same invention in applications filed before October 1, 1989;
- administers the process under the *Patent Act* where third parties can request that a patent be re-examined on the basis of prior art; and
- administers the board that sets the qualifying examinations for patent and trade-mark agents.

During 2003–04, the PAB received 13 requests to review rejected patent applications and two requests to review rejected industrial design applications. The Board received only one new case relating to conflicts between patent applicants claiming the same invention.

The number of candidates taking the patent agent qualifying examination rose to 237 in 2003–04 from 205 the previous year and the number of trade-mark qualifying examination candidates rose to 43 from 37. The 16-percent increase in the number of candidates for the patent agent qualifying examination reflects the growing labour market opportunities for these professionals.

[1] The Government of Canada, on December 3, 2004, tabled Bill C-29 to amend the *Patent Act* to provide the promised relief mechanism.

Copyrights

The Copyright Office of the Copyright and Industrial Design Branch issues certificates of registration for copyrights in Canada and maintains the register of copyrights. Individuals can search the register free of charge to obtain information about specific copyrights.

Over the year, 7915 copyright applications were received, approximately the same number as in the previous year. CIPO's new electronic registration system, which dramatically simplified the registration process and a decrease in fees for on-line applications, led to an increase in on-line filings (to 3044 from 2215 the previous year) and to faster turnaround times (now approximately one week) for new registrations.

Industrial designs

The Industrial Design Division receives, classifies, examines and processes applications for industrial designs, registers assignments, licences and changes of ownership and collects fees. The registered owner of an industrial design is entitled to prevent others from making, using, renting or selling that design in Canada for up to 10 years. Once industrial designs are registered, they become part of a public register maintained by CIPO.

During 2003–04, the number of applications rose slightly to 3827 from 3534 the previous year. Over the year, the Division continued to work on improving its client services through re-engineering its core business processes. Once completed, this initiative is expected to create a simpler, more progressive and faster registration process for industrial designs, a decreased backlog of active cases and improved quality of services to clients. This initiative is also expected to contribute to a financially self-sufficient Copyright and Industrial Design Branch.

As part of this streamlining, the Division created two new committees: the Partnership Committee for Industrial Design, where staff and stakeholders meet biannually to discuss industrial design issues and client concerns; and the Quality Assurance Committee to oversee quality improvements in the Division.

Integrated circuit topographies

Integrated circuit topographies are three-dimensional configurations of semiconductors, metals, insulators and other materials that make up the microchips found in medical and aerospace equipment, consumer electronics and household appliances. CIPO processes requests for registration of these topographies with the Registrar of Topographies.

This year, CIPO received five applications, compared to four in 2002–03.

Providing information

CIPO's Information Branch disseminates IP-related information in order to encourage invention, innovation and creativity through better exploitation of IP information and the IP system. The Branch provides Canadians and the international community with information about IP issues through a Web site, a Client Service Centre and data exchanges with 29 IP offices around the world.

Vienna Classification team (clockwise from left): Brenda Leonce, Michelle Trottier, Julie Valiquette, Michelle Taschereau, Frank Villeneuve, Rana El-Cheikh and Helen Prud'homme.

In 2003–04, CIPO continued to make improvements to its Web site and upgrade its various databases in response to Canadian government policy and client demands for easier access to electronic information and services. Ongoing improvements included the addition of the "Vienna Classification" (the international classification of the figurative elements of trade-marks) to the Canadian Trade-marks Database; and the addition of administrative status and maintenance fee information to the Canadian Patents Database. The trade-marks document order form, a new complaint form, and a transactional copyright e-filing survey are several examples of the new on-line forms that helped to facilitate client service requests and collect client feedback.

As well, work continued on improving accessibility on the Web site with the conversion of forms and publications into formats that Canadians could more easily search and read. Also, the trade-mark and patent agents' lists were re-tooled to provide better navigation and improved accessibility.

The volume of traffic on CIPO's Web site continued to rise throughout the year, as did the number of on-line searches and the volume of documents downloaded from CIPO sources. Web site transactions grew to an unprecedented four million in 2003–04, up from almost three million the previous year. Searches of the Canadian Patents Database increased by 30 percent over the year compared to 2002–03, and searches of the Canadian Trade-marks Database rose by 45 percent.

Reaching out to Canadian innovators

Because a vital IP culture stimulates innovation and accelerates economic development, part of CIPO's mission is to facilitate and increase that usage. Consequently, CIPO works actively to keep in touch with the business community and IP practitioners in order to demystify IP rights, raise awareness of their value, and promote effective use of the IP system and available IP information.

One of CIPO's key objectives is to ensure that Canadian businesses, innovators and creators have the right IP information, products and services at the right time. Through its Outreach Program, it attempts to raise awareness about the advantages of acquiring IP rights and using IP information as a source of business and technical intelligence.

As part of this effort, CIPO works to develop and strengthen strategic alliances with both IP practitioners and federal government service providers that have strong relations with its target audiences.

In 2003–04, CIPO's outreach activities included:

- the development and enhancements of IP publications;
- the production of success stories;
- focus group sessions with IP practitioners and the business community; and
- promotional and awareness-building activities with partner organizations; for example, the creation of a Bank of Speakers in collaboration with the Intellectual Property Institute of Canada for the effective delivery of IP presentations and workshops across the country.

Participating in the global arena

APEC-IPEG delegates pose for group photo in Vancouver. From CIPO: David Tobin, Barney de Schneider, Dilhari Fernando, Monika Bertrand, Scott Vasudev, Richard Leclerc and Brigitte Boulet.

WIPO Assemblies meeting (left to right): Ian Heath and Janet Werner from Autralia's IP Office; David Tobin and Sanjay Venugopal from CIPO.

During 2003–04, CIPO continued to work in a variety of different fora on the international stage to foster the protection of Canadian innovations, creations and ideas, and to expand the delivery of products and services in new and emerging markets.

Over the past year, CIPO met with foreign delegations from Australia, Korea, China, Japan, the World Intellectual Property Organization (WIPO) and the Office for Harmonization in the Internal Market (OHIM). It also successfully hosted the Asia-Pacific Economic Cooperation's Intellectual Property Rights Experts Group (APEC-IPEG) meeting in Vancouver. This was Canada's first opportunity to host a meeting since the establishment of APEC-IPEG in 1996, and proved to be a highly successful initiative for Canada and for CIPO.

World Intellectual Property Organization

Canadians are increasingly seeking access to global markets and more streamlined, predictable and harmonized procedures for the acquisition of IP rights. Under the auspices of WIPO, CIPO is involved in a process aimed at modifying key IP treaties dealing with administrative and substantive harmonization.

In 2003–04, CIPO participated in a number of WIPO committees as well as the annual WIPO Assemblies. It also hosted the G7 Heads of Intellectual Property meeting in the margin of these Assemblies.

Attracting and retaining a qualified workforce

CIPO's human resources strategy, developed in 2002–03, is designed to ensure the right systems and programs are in place to meet future demands and to manage the extensive and ongoing growth of the agency.

The key objectives of this strategy are:

- to meet external hiring needs and maintain a value-based staffing approach;
- to reflect the diversity of the Canadian population in an inclusive and representative workforce;
- to preserve a positive work environment;
- to provide a continuous learning environment where personal and professional development can flourish; and
- to provide service to the public in both official languages.

Achieving these objectives and ensuring effective human resource management practices is a shared responsibility at CIPO. Five Champion Teams comprised of executives, senior managers and human resource specialists were created to develop action plans with input from managers and employees for recruitment, learning, workplace well-being, employment equity and official languages. This approach resulted in the implementation of 140 initiatives in 2003–04.

Engaging employees

CIPO is committed to engaging employees in dialogue on issues of importance to them and to meeting their needs whenever possible. Regular fora are held with managers, and an annual general meeting takes place with staff. CEO lunches are held with staff, who engage in open discussions on their choice of issues. This past year, a focus group of managers was held to discuss the learning needs of managers; a new employee focus group is scheduled early in 2005.

Human resources challenges

CIPO has experienced significant growth over a short period of time. The agency is now home to many young employees; one in three is under the age of 35. CIPO is committed to focusing attention on the needs and interests of this group, while continuing to focus as well on the well-being of all of its employees. It will also be important to address succession planning, knowledge sharing and leadership development in planning for the replacement of retiring employees.

The planned implementation of the *Public Service Modernization Act*, classification reform initiatives and the new Official Languages Policy present further challenges and opportunities for CIPO. The agency is committed to engaging employees, managers and unions in active discussion on these issues.

Employee demographics

- 55 percent of employees are women;
- 50 percent of employees identified French as their first official language;
- the average age of employees is 40.7 years; and
- 34 percent of employees are under the age of 35 years.

Establishing a world-class business management regime

CIPO strives to operate as a world-class business management organization, well equipped to meet the needs of its clients through ongoing management and client relations' processes and procedures.

A Malcolm Baldrige quality assessment of the organization in 2000 marked the start of a new era in performance management, bringing a systematic approach to such functions as client relations, financial and business planning, performance measurement and process management. Since that time, CIPO has taken steps to better understand clients' needs, align its capabilities with those needs, refine its business and financial planning processes and enhance its performance measurement framework. Over the past year, the improvements discussed below were made, in keeping with the milestones that had been established.

Improving business management

In 2003–04, business, financial and information technology (IT) strategic plans and initiatives were further refined to improve the organization's business planning processes and to maintain its long-term financial viability. Business case rationales are developed for proposed IT capital planning processes as well as for any new major operating expenditure project.

CIPO also implemented a number of business practice/modern comptrollership initiatives:

- it initiated strategy-focused organization practices, such as a strategy mapping exercise, and developed a strategic initiatives grid;
- it improved its reporting processes; and
- it developed an enhanced accountability framework for projects.

Meeting client needs

In September 2003, CIPO conducted its second comprehensive client survey, following up on its initial survey in 2001. Results reflected strong overall satisfaction with CIPO (83 percent as compared to 80 percent in 2001). They also helped identify key client priorities: further reductions in turnaround times, clear points of contact, simple and straightforward procedures and consistent quality of service. Other key findings of the survey showed that:

- 49 percent of applicants believed CIPO rated higher than other government departments and agencies, while 5 percent said it rated lower;
- 23 percent of applicants said CIPO rated better than other IP offices, while 4 percent rated it as lower; and
- 84 percent of applicants who filed outside Canada were satisfied with the overall cost of IP in Canada relative to other countries.

Managing information better

As part of its initiative to develop policies, procedures and standards for information management across the organization, CIPO undertook an information management gap analysis in 2003–04. The purpose of this analysis was to gauge the agency's capacity to implement information management procedures and to manage information in accordance with federal government policies and international standards. Using Treasury Board's *Information Management Capacity Check Tool*, CIPO evaluated all aspects of its ability to manage data and information as a corporate asset. It then developed a multi-year action plan for 2004–05, and beyond that will facilitate a more systematic and integrated approach to record keeping and document handling across the agency.

Using technology effectively

CIPO is dedicated to delivering its programs and services more efficiently and effectively through the use of IT. During 2003–04 the Informatics Services Branch launched over 80 IT initiatives to meet the needs of the business functions it supports. These included: a Patent Cooperation Treaty Automation project; a Corporate Complaints Management project; a Trade-marks

Executive Information System Infrastructure project; and an Electronic Funds Transfer project.

Financing service improvements

CIPO's commitment to provide world-class service to its clients requires an ongoing funding of service and IT system improvements, as well as the ability to respond quickly to the evolving international environment. In order to maintain this level of excellence, and following a major consultation with stakeholders, CIPO identified a need to increase its fees for the first time in 15 years. The new fee structure took effect on January 1, 2004.

Managing client relationships

In 2001, CIPO launched a new strategy to improve its products and services based on clients' evolving needs and expectations. This client relationship management (CRM) strategy has five components:

1. Client satisfaction: CIPO has implemented an ongoing program of periodic and transactional surveys to benchmark client satisfaction with its products and services. It has also developed a range of satisfaction performance indicators that allow senior management to monitor and track client satisfaction over time.

2. Complaints management: CIPO has implemented an agency-wide electronic complaint management system that makes it easy for clients to register a complaint, should this be necessary. The new system aims to provide CIPO with access to valuable information on how to improve its services.

3. Ongoing client consultation: CIPO has implemented an ongoing program of focus group and face-to-face consultations with clients in order to better understand their needs and expectations. To date it has conducted consultations in seven key areas of the organization.

4. Relationship building: CIPO is taking stock of the full range of its contacts with clients in order to build stronger relationships with key groups.

5. Client intelligence: CIPO will eventually implement corporate information systems so that it can manage and mine client data across the organization. This past year, work in defining CIPO's corporate requirements for an eventual CRM system began, drawing on the best practices of other organizations.

Audited financial statements

Management report

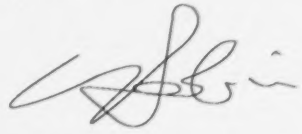
We have prepared the accompanying financial statements of the Canadian Intellectual Property Office (CIPO) Revolving Fund (the "Fund") as required by and in accordance with the policy of Treasury Board on revolving funds and the reporting requirements and standards of the Receiver General for Canada. These financial statements were prepared by the management of the Fund in accordance with the significant accounting policies set out in Note 2 of the financial statements, on a basis consistent with that of the preceding year.

Responsibility for the integrity and objectivity of these financial statements rests with the management of the Fund. The information included in these financial statements is based on management's best estimates and judgment with due consideration given to materiality. To fulfil its accounting and reporting responsibilities, the Fund maintains a set of accounts, which provides a centralized record of the Fund's financial transactions. Financial information contained in the ministerial statements and elsewhere in the Public Accounts of Canada is consistent with that in these financial statements, unless indicated otherwise.

The Fund's directorate of financial services develops and disseminates financial management and accounting policies and issues specific directives, which maintain standards of accounting and financial management. The Fund maintains systems of financial management and internal control, which give due consideration to costs, benefits and risks. They are designed to provide reasonable assurance that transactions are properly authorized by Parliament, are executed in accordance with prescribed regulations, and are properly recorded to maintain accountability of Government funds and safeguard the assets under the Fund's administration. The Fund also seeks to assure the objectivity and integrity of data in its financial statements by the careful selection, training and development of qualified staff, by organizational arrangements that provide appropriate divisions of responsibility and by communication programs aimed at ensuring that its regulations, policies, standards and managerial authorities are understood throughout the organization.

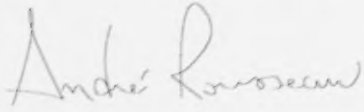
At the request of the Fund, these financial statements have been examined by external auditors, their role being to express an opinion as to whether the financial statements present fairly the financial position as at March 31, 2004, and the results of operations and cash flow for the year then ended in accordance with the accounting principles for revolving funds of the Government of Canada as described in Note 2 of the financial statements.

Approved by:



David Tobin
Commissioner of Patents,
Registrar of Trade-marks and
Chief Executive Officer

Alfred Tsang, CMA
Executive Director, Corporate Strategies
and Services



André Rousseau, CGA
Manager, Finance and Administration

May 28, 2004

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AUDITORS' REPORT TO THE DEPUTY MINISTER, INDUSTRY CANADA

We have audited the statement of financial position of the Canadian Intellectual Property Office Revolving Fund as at March 31, 2004 and the statements of operations, accumulated surplus and cash flow for the year then ended. These financial statements have been prepared to comply with Section 4 of the Treasury Board of Canada's Policy on Special Revenue Spending Authorities. These financial statements are the responsibility of the management of the Canadian Intellectual Property Office Revolving Fund. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In our opinion, these financial statements present fairly, in all material respects, the financial position of the Canadian Intellectual Property Office Revolving Fund as at March 31, 2004 and the results of its operations and its cash flows for the year then ended in accordance with the accounting principles for revolving funds of the Government of Canada as described in Note 2 to the financial statements.

These financial statements, which have not been, and were not intended to be, prepared in accordance with Canadian generally accepted accounting principles, are solely for the information and use of the management of the Revolving Fund and the Treasury Board of Canada Secretariat for reporting on the use of the Fund authority. The financial statements are not intended to be and should not be used by anyone other than the specified users or for any other purpose.

KPMG LLP

Chartered Accountants

Ottawa, Canada

May 28, 2004

Statement of Authority Provided (Used) (Unaudited)
For the year ended March 31, 2004 (in thousands of dollars)

	2004		2003	
	Estimates	Actual	Estimates	Actual
Net income	6 504	1 888	6 821	3 880
Add: items not requiring the use of funds	17 085	15 025	15 134	12 582
Operating source of funds	23 589	16 913	21 955	16 462
Less: items requiring use of funds				
Net capital acquisitions	(8 750)	(2 523)	(10 754)	(8 584)
Net other assets and liabilities	(6 322)	(76)	(7 922)	(2 662)
Authority provided (used)	8 517	14 314	3 279	5 216

The accompanying notes form an integral part of these financial statements.

Reconciliation of Unused Authority (Unaudited)
As at March 31, 2004 (in thousands of dollars)

	2004	2003
Debit balance in the accumulated net charge against the Fund's authority	(71 980)	(58 340)
Transfer from Treasury Board Vote 5	(637)	(165)
	(72 617)	(58 505)
Add: PAYE charges against the appropriation account after March 31	5 673	6 194
Less: amounts credited to the appropriation account after March 31	(1 289)	(1 136)
Net authority provided, end of year	(68 233)	(53 447)
Authority limit	5 000	5 000
Unused authority carried forward	73 233	58 447

The accompanying notes form an integral part of these financial statements.

Statement of Financial Position

As at March 31, 2004 (in thousands of dollars)

	2004	2003
Assets		
Current assets		
Petty cash	2	2
Accounts receivable		
Government of Canada	1 139	623
Outside parties	1 333	1 227
Unbilled revenues	8 524	7 112
Prepaid expenses	76	26
	11 074	8 990
Capital assets (Note 3)	46 902	59 404
Unbilled revenues	436	318
	58 412	68 712
Liabilities		
Current		
Deposit accounts	1 178	1 085
Accounts payable		
Government of Canada	3 651	3 991
Outside parties	6 050	6 141
Deferred revenues	17 791	16 176
	28 670	27 393
Employee termination benefits and vacation pay	5 116	4 445
Deferred revenues	31 662	25 773
	36 778	30 218
Deferred capital assistance (Note 4)	20 750	27 135
Commitments (Note 6)		
Contingencies (Note 10)		
Equity of Canada (Note 5):		
Accumulated net charge against the Fund's authority	(71 980)	(58 340)
Accumulated surplus	44 194	42 306
	(27 786)	(16 034)
	58 412	68 712

The accompanying notes form an integral part of these financial statements.

Statement of Operations

For the year ended March 31, 2004 (in thousands of dollars)

	2004	2003
Revenues	95 748	86 945
Expenses		
Salaries and employee benefits	62 435	54 159
Professional services	11 884	12 227
Amortization of capital assets	15 025	12 559
Accommodation	5 878	5 509
Materials and supplies	1 566	1 727
Information	299	257
Communications	721	808
Travel	423	423
Freight and postage	331	367
Repairs and maintenance	1 106	936
Training	406	331
Rentals	171	124
	100 245	89 427
Net income before amortization of deferred capital assistance, loss on disposal and write-down of capital assets	(4 497)	(2 482)
Amortization of deferred capital assistance	6 385	6 385
Net income before disposal and write-down of capital assets	1 888	3 903
Loss on disposal and write-down of capital assets	—	(23)
Net income	1 888	3 880

The accompanying notes form an integral part of these financial statements.

Statement of Accumulated Surplus

For the year ended March 31, 2004 (in thousands of dollars)

	2004	2003
Balance, beginning of year	42 306	38 426
Net income	1 888	3 880
Balance, end of year (Note 5)	44 194	42 306

The accompanying notes form an integral part of these financial statements.

Statement of Cash Flow

For the year ended March 31, 2004 (in thousands of dollars)

	2004	2003
Operating activities		
Net income	1 888	3 880
Add: amortization of capital assets	15 025	12 559
Add: loss on disposal and write-down of capital assets	—	23
Less: amortization of deferred capital assistance	6 385	6 385
	10 528	10 077
Changes in working capital (Note 7)	(807)	985
Changes in other assets and liabilities		
Unbilled revenues	(118)	(213)
Employee termination benefits and vacation pay	671	637
Deferred revenues	5 889	1 333
	6 442	1 757
Net financial resources provided by operating activities	16 163	12 819
Investing activities		
Capital assets acquired	(2 523)	(8 584)
Net financial resources provided and change in the accumulated net charge against the Fund's authority account, during the year	13 640	4 235
Accumulated net charge against the Fund's authority account, beginning of year	58 340	54 105
Accumulated net charge against the Fund's authority account, end of year (Note 5)	71 980	58 340

The accompanying notes form an integral part of these financial statements.

Notes to financial statements

Year ended March 31, 2004

1 — Purpose and authority

The Canadian Intellectual Property Office Revolving Fund (the "Fund") grants or registers exclusive ownership of intellectual property in Canada. In exchange, the Fund acquires intellectual property information and state-of-the-art technology, which it disseminates to Canadian firms, industries and individuals to improve economic performance, competitiveness and to stimulate further invention and innovation.

The Fund was established on April 1, 1994. The authority to make expenditures out of the Consolidated Revenue Fund was granted on February 22, 1994, with an authorized limit of $15 million. During the fiscal year ended March 31, 2002, the Fund's authorized limit was reduced from $15 million to $5 million. The Fund has continuing non-lapsing authority from Parliament to make payments out of the Consolidated Revenue Fund for working capital, capital acquisitions and temporary financing of accumulated operating deficits. The Fund may retain surpluses to continue to automate operations.

2 — Significant accounting policies

BASIS OF ACCOUNTING

The financial statements have been prepared in accordance with the reporting requirements for revolving funds described by the Receiver General for Canada. The basis of accounting used in these financial statements differs from generally accepted Canadian accounting principles because: services received without charge from other government departments are not reported as expenses; the expenses and liability for termination benefits excludes the portion not funded by the Fund; and contingent liabilities are disclosed rather than recorded. The significant accounting policies are as follows:

Revenue recognition

Revenue derived from processing patent, trade-mark and industrial design applications is recognized using the percentage of completion method as work progresses. Fees received in advance of work being completed are recorded as deferred revenues. When work is completed prior to the receipt of the fee, the amount is recorded as unbilled revenue. Maintenance fees and other revenue are recognized upon receipt. Fees are prescribed by various Orders in Council.

Capital assets and amortization

Capital assets are recorded at cost and are amortized on a straight-line basis over their estimated useful lives, beginning in the month after acquisition, as follows:

Software	3 years
Hardware	3–5 years
Furniture	10 years
Equipment	10 years
Leasehold improvements	5 years
Systems	Estimated useful life, beginning in the year of deployment

Deferred capital assistance

The Fund received $63 848 000 from the Crown for the development of the TechSource automation project, which was implemented in 1997–98. The deferred capital assistance is amortized on a straight-line basis over the estimated useful life of the TechSource system.

Employee termination benefits

Employees of the Fund are entitled to specified termination benefits, calculated based on salary levels in effect at the time of termination as provided for under collective agreements and conditions of employment. Employee termination benefits earned prior to an employee joining the Fund are a liability of the Treasury Board and accordingly have not been recorded in the accounts. As at March 31, 2004, the Treasury Board liability for the Fund's employees is $4.4 million (2003 — $4.1 million). The liability for benefits earned after an employee joins the Fund is recorded in the accounts as the benefits accrue to employees.

Pension Plan

Employees of the Fund are covered by the Public Service Superannuation Plan administered by the Government of Canada. Under present legislation, contributions made by the Fund to the Plan are limited to an amount equal to the employee's contributions on account of current service. These contributions represent the total pension obligations of the Fund and are charged to operations on a current basis. The Fund is not required under present legislation to make contributions with respect to actuarial deficiencies of the Public Service Superannuation Account or with respect to charges to the Consolidated Revenue Fund for the indexation of payments under the *Supplementary Retirement Benefits Act*.

Use of estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the period. Capital assets, revenues and human resource related accrued liabilities are the most significant items for which estimates are used. Actual results could differ from those estimates. These estimates are reviewed annually and as adjustments become necessary, they are recorded in the financial statements in the period in which they become known.

3 — Capital assets and accumulated amortization (in thousands of dollars)

	Cost March 31, 2003	Additions	Cost March 31, 2004	Accumulated amortization	Net carrying value
Leasehold improvements	16 081	394	16 475	11 175	5 300
Software	1 248	878	2 126	951	1 175
Hardware	2 367	117	2 484	1 156	1 328
Equipment	—	—	—	—	—
Furniture	—	—	—	—	—
Systems					
INTREPID	3 735	—	3 735	3 379	356
TechSource	85 535	—	85 535	56 726	28 809
Other	9 490	117	9 607	6 337	3 270
Systems under development	5 647	1 017	6 664	—	6 664
Total	124 103	2 523	126 626	79 724	46 902

4 — Deferred capital assistance (in thousands of dollars)

	2004	2003
Deferred capital assistance contribution	63 848	63 848
Less: accumulated amortization	43 098	36 713
Net book value	20 750	27 135

5 — Equity of Canada

ACCUMULATED NET CHARGE AGAINST THE FUND'S AUTHORITY

Accumulated net charge against the Fund's authority is the cash position of the Fund, held by the Government on behalf of the Fund.

ACCUMULATED SURPLUS

The accumulated surplus is an accumulation of each year's surpluses including the absorption of the opening deficit of $9.45 million upon establishment of the Fund.

6 — Commitments (in thousands of dollars)

TECHSOURCE

The Fund has contracted Government Telecommunications and Informatics Services to provide maintenance services for the TechSource system. Amounts committed are:

2005	4521
2006	496
	5017

The Fund has operating leases for its premises from Public Works and Government Services Canada. Future lease payments are as follows:

2005	5984
	5984

7 — Changes in working capital (in thousands of dollars)

Components of the changes in current assets and liabilities include:

	2004	2003
Accounts receivable	(622)	(277)
Unbilled revenues (short term)	(1412)	(1719)
Prepaid expenses	(50)	(26)
Deposit accounts	93	252
Accounts payable	(431)	(147)
Deferred revenues (short term)	1615	2902
	(807)	985

8 — Related party transactions

Through common ownership, the Fund is related to all Government of Canada created departments, agencies and Crown corporations. Payments for accommodation, translation, legal services, compensation and benefit services, mail services, security services, and mainframe and computing services are made to related parties in the normal course of business.

9 — Insurance

The Fund does not carry insurance on its property. This is in accordance with the Government of Canada policy of self-insurance.

10 — Contingencies

SICK LEAVE

Employees are permitted to accumulate unused sick leave. However, such leave entitlements do not vest and can be used only in the event of illness. The amount of accumulated sick leave entitlements, which will become payable in future years, cannot reasonably be determined and accordingly have not been recorded in the accompanying financial statements. Payments of sick leave benefits are included in current operations as incurred.

11 — Income taxes

The Fund is not subject to income taxes.

Additional financial information

Revolving fund

As a special operating agency within Industry Canada, with a revolving fund authority, CIPO finances its operations entirely from revenues generated by fees received from the provision of IP services.

The financial statements of CIPO's Revolving Fund (the "Fund") have been prepared in accordance with the reporting requirements for revolving funds described by the Receiver General for Canada. The basis of accounting used in these financial statements differs from generally accepted Canadian accounting principles because: services received without charge from other government departments are not reported as expenses; the expenses and liability for termination benefits excludes the portion not funded by the Fund; and contingent liabilities are disclosed rather than recorded. Some of the information included in these financial statements is based on management's best estimates and judgment, with due consideration given to materiality.

CIPO develops accounting policies and maintains the financial systems and internal controls necessary to fulfil its accounting and reporting responsibilities. By adhering to sound financial management practices and internal accounting controls, CIPO's financial administration provides reasonable assurance that transactions are recorded and executed in accordance with its authority, and that its assets are safeguarded.

In the context of modern controllership, and to improve managerial accountability and reporting, external auditors are hired to examine the financial statements and to express an opinion as to whether they fairly present CIPO's financial position at year-end.

Management report

Balance sheet

The *balance sheet* of the Fund reveals that CIPO is in a positive financial position. At the end of March 2004, the balance sheet indicates an accumulated net charge against the fund's authority (ANCAFA), (representing the cash situation of the Fund) of $72 million or $22.5 million if current and long-term deferred revenues are excluded.

An amount of $9 million, representing an increase of $1.5 million from last year, is recorded under unbilled revenues (which represents the value of work completed prior to the receipt of the fee). This relates mainly to trade-mark examinations and registrations where part of the examination fee is received before the work starts (recorded under deferred revenues), and the second part is received after the work is completed and accounted for under the unbilled revenues.

The *capital assets* of $46.9 million, net of depreciation, represent mainly the net value of the information technology (IT) system TechSource for patents and other systems, the leasehold accommodation and IT systems under development. During the year, investments have been made to increase an IT capability that is closely aligned with CIPO's business objectives and requirements.

Under liabilities, the current and long-term *deferred revenues* of $17.8 million and $31.7 million, respectively, represent the pre-paid amount for services to be provided in the near future and are directly linked with

the growing inventory of patent files to be examined. Note the total deferred revenues account represents an increase of $7.5 million over last year. Even though the Patent Branch significantly improved its examination capacity from the previous year, the combination of the increase in requests for examination and the fee increases implemented on January 1, 2004, explain this change.

The *deferred capital assistance* (DCA) has decreased by $6.4 million; it is amortized on a straight-line basis over the useful life of the TechSource system. Other financial elements of assets and liabilities remain relatively stable.

The *accumulated surplus* stands at $44.2 million as of March 31, 2004. This amount ensures that CIPO will be able to remain both fiscally responsible and viable, and will be in the position to maintain/improve service levels such as reducing turnaround times, investing in human resources and new IT, and delivering new products/services that better serve the interests of clients.

Income statement

Revenues for fiscal year 2003–04 equal $95.8 million, which represents an increase of $8.8 million over last year. This increase comes mainly from examination revenues in patents (where the increase in the internal capacity generated an additional $1.6 million), trade-mark examination and patent maintenance fees, as well as the implementation of new fees on January 1, 2004.

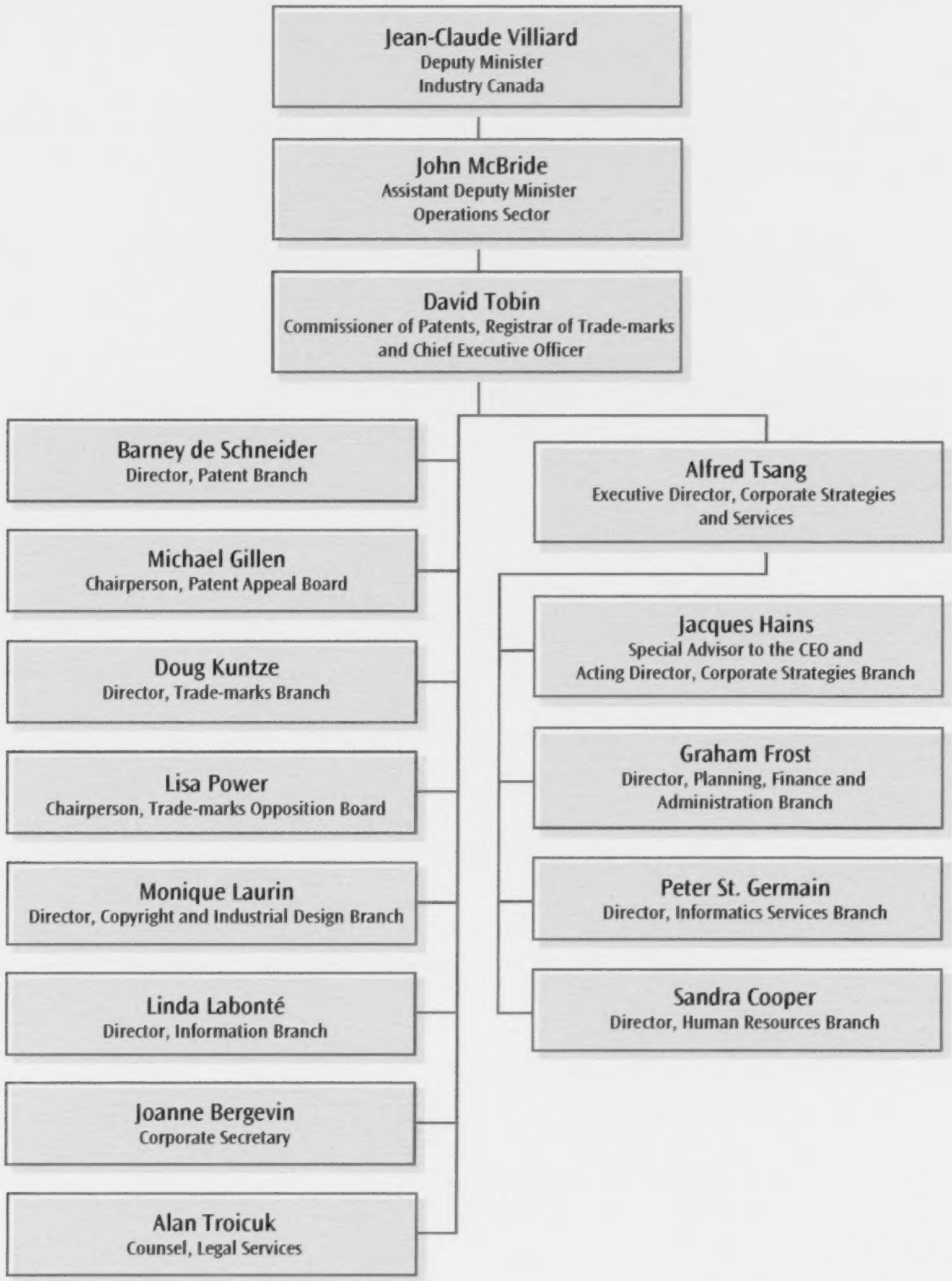
Expenditures for the same period equal $100.2 million and are $10.8 million higher than last year. Salary expenses represent a large part of this increase, over $8.3 million. This can be explained mainly by the significant hiring of new examiners to deal with the growing demand for IP products and services. These investments in human resources have already had a significant positive impact on turnaround times in many areas and consequently generate additional revenues. We also note an increase in severance pay and terminable allowance expenses. Depreciation costs increased significantly as a result of the completion of IT projects to better meet business requirements.

Thus, the *net income* was $1.9 million, after taking into account the credit on expenses of $6.4 million from DCA.

For more detail on revenues and expenditures, please refer to the charts in Appendix 2.

Appendix 1

Organizational structure 2003–04



Appendix 2

Financial charts

Figure 1 Revenues by products and services

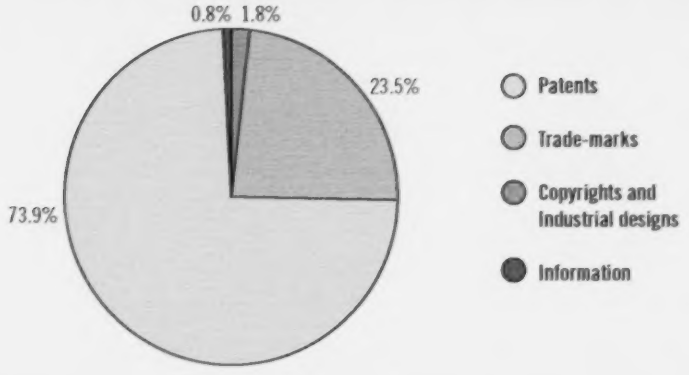


Figure 2 Operating expenditures by category

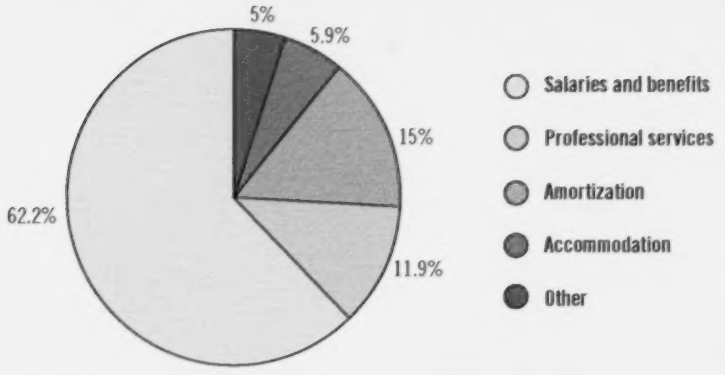


Figure 3 Expenditures by branch grouping

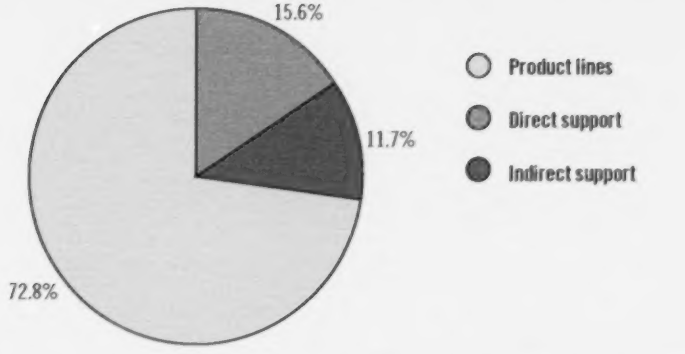


Figure 4 Patent revenues

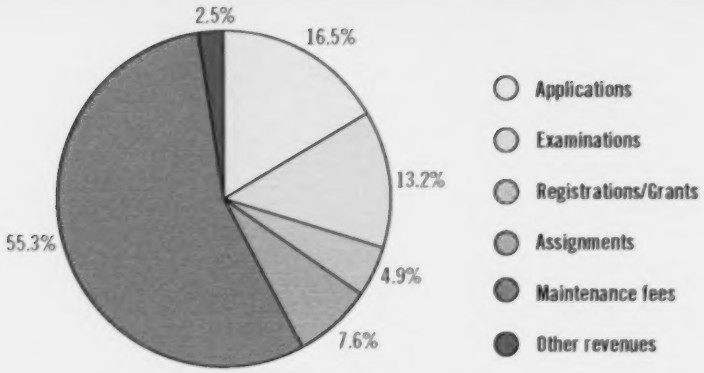


Figure 5 Trade-mark revenues

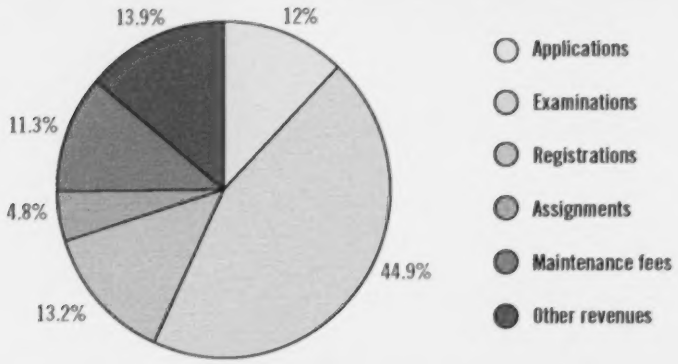
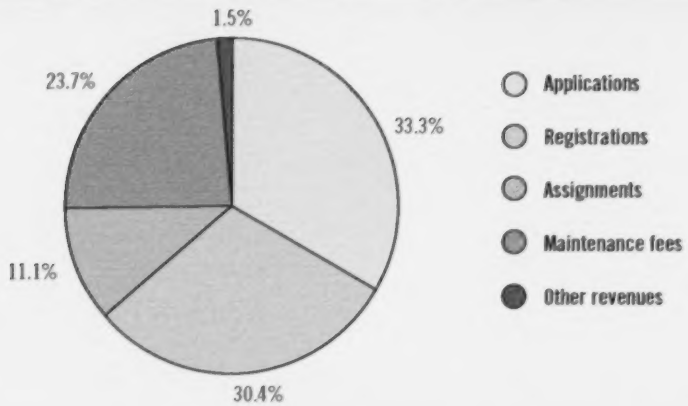


Figure 6 Copyright and industrial design revenues



Appendix 3

Statistics

TABLE 1

Product outputs

	2001–02	2002–03	2003–04
Applications			
Patents	40 175	39 535	38 201
National	13 530	12 566	12 145
Patent Cooperation Treaty	26 645	26 969	26 056
Trade-marks	37 691	36 949	39 524
Copyrights	6 377	7 938	7 915
Industrial designs	3 190	3 534	3 827
Integrated circuit topographies	3	4	5
Requests for examination			
Patents	30 880	37 310	39 373
Disposals			
Patents	19 758	22 864	26 731
Grants/Registrations			
Patents	12 445	11 805	12 159
Trade-marks	16 746	18 847	28 164
Copyrights	6 312	7 965	7 928
Industrial designs	3 128	2 098	2 908
Integrated circuit topographies	3	4	4
Abandonments			
Trade-marks	15 605	20 610	19 301
Copyrights	157	102	105
Industrial designs	355	463	357
Maintenance/Renewals			
Patents	240 196	252 192	259 668
Trade-marks	7 241	8 476	9 302
Industrial designs	1 047	1 634	1 755
Assignments			
Patents	60 819	67 257	61 932
Trade-marks	44 880	41 244	38 334
Copyrights	1 168	1 806	1 581
Industrial designs	893	767	2 096
Integrated circuit topographies	—	—	1
Enquiries			
Patents	24 137	28 241	27 949
Status requests (Patents)	63 673	80 689	55 162
Trade-marks	19 991	19 421	20 524
Copyrights	8 225	8 762	8 395
Industrial designs	1 204	2 047	1 723
Integrated circuit topographies	48	54	80
General information	1 613	1 464	1 971
Other	738	848	280

TABLE 2

Trade-mark applications filed by language

	2001–02	2002–03	2003–04
English	34 566	33 888	35 699
French	3 125	3 061	3 825
Total	**37 691**	**36 949**	**39 524**

TABLE 3

Trade-mark applications filed and registered by province/territory

	Filed	Registered
Alberta	1 558	1 432
British Columbia	2 316	1 548
Manitoba	437	329
New Brunswick	163	161
Newfoundland and Labrador	85	68
Northwest Territories	8	15
Nova Scotia	233	161
Nunavut	1	1
Ontario	8 665	6 331
Prince Edward Island	20	13
Quebec	4 121	3 400
Saskatchewan	181	142
Yukon	8	2
Province not specified	117	4
Total	**17 913**	**13 607**

TABLE 4

Top 10 trade-mark applicants

The Proctor & Gamble Company	237
Sally Beauty International Inc. (A Delaware Corp.)	129
Hasbro Incorporated	108
Unilever Canada Incorporated	107
Telus Corporation	103
Dundee Bancorp Incorporated	98
Canadian Medical Association	91
Canadian Tire Corporation, Limited	91
L'Oréal S.A.	87
Novartis AG	87

TABLE 5

Top 10 trade-mark registrants

Lidl Stiftung & Co. Kg	220
Unilever Canada Incorporated	75
The Proctor & Gamble Company	70
Johnson & Johnson	69
L'Oréal S.A.	66
Canadian Tire Corporation, Limited	60
Kohler Company	42
Siemens Aktiengesellschaft	42
Royal Bank of Canada	41
The Toronto-Dominion Bank	40

TABLE 6

Trade-marks Opposition Board — Operational statistics

	2001–02	2002–03	2003–04
Statements of opposition filed	931	1100	1229
Opposition decisions rendered	104	80	94
Opposition abandonments	1037	1368	1435
Section 45 notices issued	690	731	844
Section 45 decisions rendered	553	463	655

TABLE 7

Trade-mark applications filed and registered by origin as stated by applicant

	Filed	Granted
Andorra	0	2
Anguilla	5	0
Antigua and Barbuda	1	1
Argentina	28	24
Aruba	4	0
Australia	340	168
Austria	87	105
Bahamas	27	19
Barbados	50	18
Belgium	82	96
Belize	1	1
Benelux	0	1
Bermuda	20	32
Brazil	70	21
British Virgin Islands	42	23
Bulgaria	1	1
Canada	17 913	13 607
Cayman Islands	12	9
Channel Islands	4	9
Chile	64	29
China	197	126
Colombia	10	8
Cook Islands	4	0
Costa Rica	5	0
Croatia	1	6
Cuba	1	2
Cyprus	7	4
Czech Republic	8	10
Denmark	124	76
Dominican Republic	1	0
Ecuador	0	1
Egypt	4	1
El Salvador	3	0
Fiji	0	3
Finland	64	66
France	927	943
Germany	1 331	1 189
Gibraltar	8	2
Georgia	0	2
Greece	5	3
Guatemala	0	1
Guyana	2	0
Haiti	1	0
Hong Kong	99	71
Hungary	5	1
Iceland	5	3
India	34	24
Indonesia	4	6
Iran (Islamic Republic of)	2	1
Ireland	67	36
Israel	62	37
Italy	464	358
Jamaica	13	3
Japan	854	588
Jordan	1	2
Kenya	4	3
Kyrgyzstan	0	3
Lebanon	4	4
Liechtenstein	11	10
Luxembourg	28	25
Macau	2	0
Malaysia	8	5
Malta	4	1
Mauritius	6	1
Mexico	98	34
Monaco	23	23
Mongolia	3	0
Morocco	0	3
Namibia	0	1
Netherlands	379	270
Netherlands Antilles	7	9
New Zealand	104	33
Norway	35	27
OHIM*	0	3
Pakistan	3	1
Panama	25	15
Paraguay	0	1
Peru	1	2
Philippines	5	3
Poland	25	12
Portugal	48	33
Republic of Korea	107	83
Republic of Moldova	26	0
Romania	2	1
Russian Federation	44	12
Saint Kitts and Nevis	0	1
Samoa	0	3
Saudi Arabia	7	1
Seychelles	1	3
Singapore	50	28
Slovenia	3	3
Slovakia	3	1
South Africa	54	34
Spain	150	115
Sri Lanka	2	3
Sweden	212	138
Switzerland	651	506
Syrian Arab Republic	2	0
Taiwan	113	108
Thailand	41	15
Trinidad and Tobago	3	0
Tunisia	0	1
Turkey	19	2
Turks and Caicos Islands	0	1
Ukraine	4	4
United Arab Emirates	11	2
United Kingdom	814	459
United States	13 282	8 348
Uruguay	14	2
Venezuela	2	1
Vietnam	4	5
West Indies	16	24
Total	**39 524**	**28 164**

*Office for Harmonization in the International Market

Figure 7 Trade-marks inventory awaiting examination

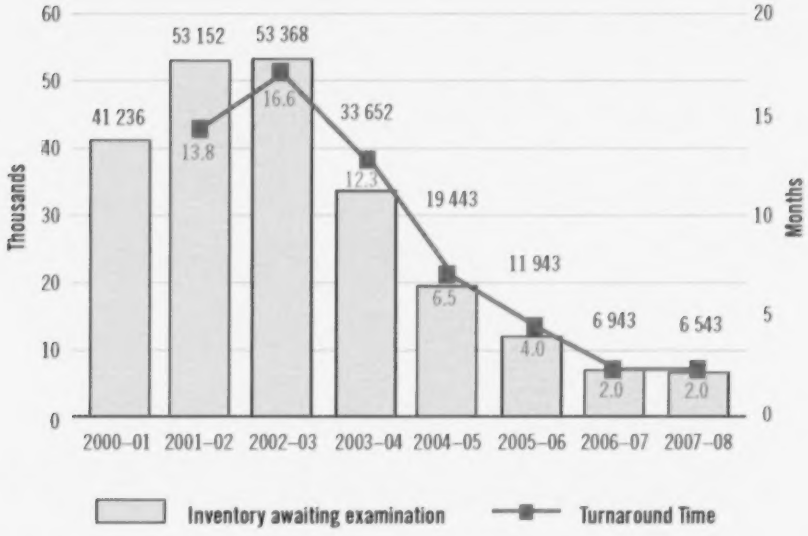


Figure 8 Trade-mark applications

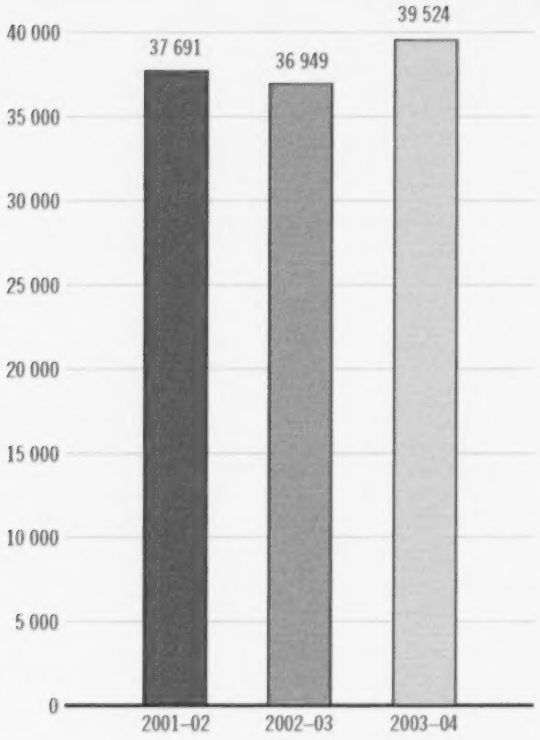


Figure 9 Trade-mark disposals

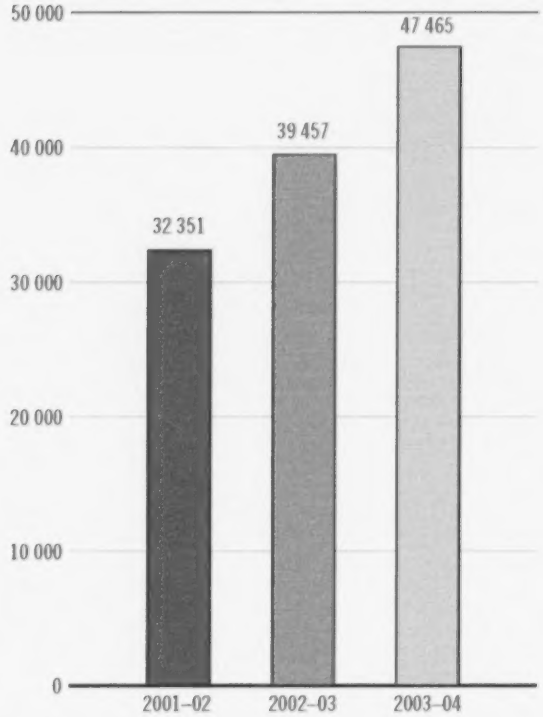


TABLE 8

Patent applications filed by language

	2001–02	2002–03	2003–04
English	38 412	37 821	36 749
French	1 763	1 714	1 452
Total	**40 175**	**39 535**	**38 201**

TABLE 9

Patent applications filed, requests for examination and grants by discipline

	2001–02	2002–03	2003–04
Biotechnology			
Filed	4 394	4 359	4 004
Requests for examination	2 911	3 927	4 050
Granted	643	843	634
Computer-related			
Filed	7 181	6 875	6 317
Requests for examination	4 774	5 700	6 624
Granted	2 389	2 186	2 135
Electrical/Physics			
Filed	3 739	3 305	3 114
Requests for examination	2 682	3 106	3 074
Granted	1 479	1 384	1 212
Mechanical/Civil			
Filed	9 129	9 402	9 152
Requests for examination	7 550	8 887	9 350
Granted	3 213	2 999	3 410
Organic chemistry			
Filed	5 047	5 028	4 622
Requests for examination	4 553	5 655	5 662
Granted	1 581	1 650	1 682
Other chemistry			
Filed	6 318	6 165	6 613
Requests for examination	5 051	5 952	6 422
Granted	1 961	1 789	1 851
Miscellaneous			
Filed	4 367	4 401	4 379
Requests for examination	3 359	4 083	4 191
Granted	1 179	954	1 235
All disciplines			
Filed	40 175	39 535	38 201
Requests for examination	30 880	37 310	39 373
Granted	12 445	11 805	12 159

TABLE 10

Patent applications filed and granted to residents of Canada and foreign countries

	PCT Filings	Non-PCT Filings	Total Filings	Total Grants
Canada				
Alberta	139	633	772	214
British Columbia	141	403	544	132
Manitoba	15	112	127	44
New Brunswick	6	35	41	15
Newfoundland and Labrador	3	17	20	5
Northwest Territories	—	4	4	—
Nova Scotia	8	54	62	13
Nunavut	—	—	—	—
Ontario	451	1 681	2 132	476
Prince Edward Island	0	5	5	1
Quebec	343	1 051	1 394	362
Saskatchewan	17	112	129	25
Yukon	—	1	1	—
Subtotal	**1 123**	**4 108**	**5 231**	**1 287**
Foreign countries	24 933	8 037	32 970	10 872
Total	**26 056**	**12 145**	**38 201**	**12 159**

TABLE 11

Top 10 patent applicants

The Proctor & Gamble Company	302
3M Innovative Properties Company	221
Honda Giken Kogyo Kabushiki Kaisha	182
BASF Aktiengesellschaft	170
Bayer Aktiengesellschaft	168
Qualcomm Incorporated	166
F. Hoffman-LaRoche AG	163
Wheatherford/Lamb, Inc.	156
General Electric Company	146
E.I. duPont de Nemours and Company	141

TABLE 12

Top 10 patentees

The Proctor & Gamble Company	250
Lucent Technologies Inc.	130
Nortel Networks Limited	102
E.I. duPont de Nemours and Company	95
Samsung Electrics Co., Ltd.	88
Minnesota Mining and Manufacturing Company	78
Honda Giken Kogyo Kabushiki Kaisha	76
Pitney Bowes Inc.	72
Deere & Company	71
L'Oréal S.A.	69

TABLE 13

Patent Appeal Board — Operational statistics

	2001–02	2002–03	2003–04
Final actions			
Referrals	5	11	13
Disposals	5	2	12
Industrial designs			
Referrals	5	5	2
Disposals	5	3	7
Conflicts			
Referrals	5	9	1
Disposals	5	0	11
Re-examination — section 48.1			
Filings	1	3	3
Disposals	1	1	2
Abuse — section 67			
Filings	0	0	0
Disposals	0	0	0
Candidates for qualifying examination			
Patents	148	205	237
Trade-marks	48	37	43

TABLE 14

Patent applications filed and granted by origin as stated by applicant

	Filed	Granted		Filed	Granted
Algeria	1	0	Kuwait	1	0
Argentina	16	3	Latvia	3	1
Australia	574	117	Liechtenstein	35	13
Austria	195	49	Luxembourg	60	15
Azerbaijan	0	1	Malaysia	6	1
Bahamas	16	0	Malta	3	0
Barbados	147	11	Mauritius	1	0
Belgium	242	47	Mexico	25	5
Belize	1	0	Monaco	1	3
Bermuda	30	3	Netherlands Antilles	34	4
Brazil	34	17	Netherlands	448	140
British Virgin Islands	28	8	New Zealand	93	22
Bulgaria	1	0	Norway	159	53
Burundi	1	0	Peru	0	1
Canada	5 231	1 287	Philippines	3	0
Cayman Islands	9	0	Poland	9	1
Chile	9	0	Portugal	11	2
China	145	22	Republic of Korea	280	134
Colombia	5	0	Russian Federation	34	13
Costa Rica	2	0	San Marino	2	1
Croatia	8	0	Saudi Arabia	1	0
Cuba	14	1	Seychelles	0	1
Cyprus	11	0	Singapore	29	4
Czech Republic	9	3	Slovakia	3	0
Denmark	224	66	Slovenia	6	1
Dominican Republic	2	0	South Africa	50	12
Ecuador	1	0	Spain	150	16
Egypt	1	1	Swaziland	0	2
Estonia	4	0	Sweden	495	170
Finland	393	100	Switzerland	1 231	264
France	1 496	613	Syrian Arab Republic	0	1
Georgia	0	1	Taiwan	75	0
Germany	2 840	767	Thailand	0	2
Gibraltar	3	3	Tunisia	1	0
Greece	10	2	Turkey	7	0
Hungary	34	3	Turks/Caicos Islands	3	0
Iceland	10	1	United Kingdom	1 594	388
India	83	4	Ukraine	14	1
Indonesia	1	2	United Arab Emirates	3	0
Iran	3	0	United States	17 842	6 154
Ireland	93	19	Uruguay	2	0
Israel	348	40	Venezuela	3	0
Italy	578	138	Yugoslavia	2	0
Japan	2 616	1 404	Country unknown	10	0
Kazakhstan	1	1			
Kenya	2	0	**Total**	**38 201**	**12 159**

Figure 10 Patent requests for examination

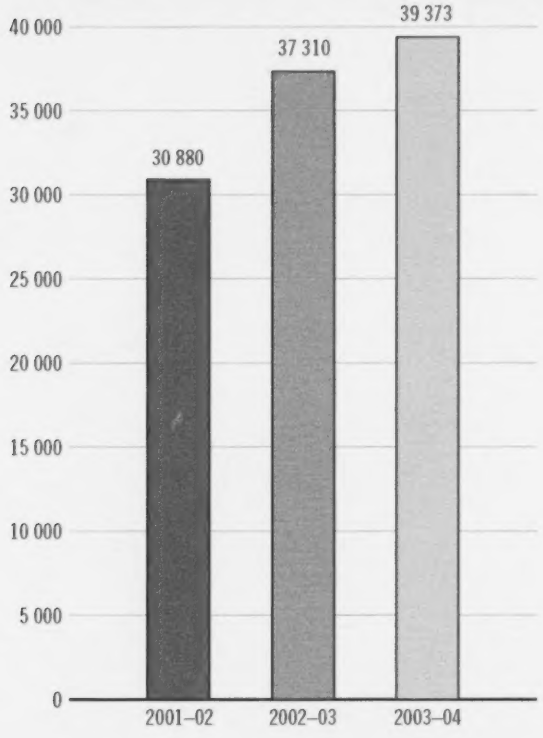


Figure 11 Patent disposals

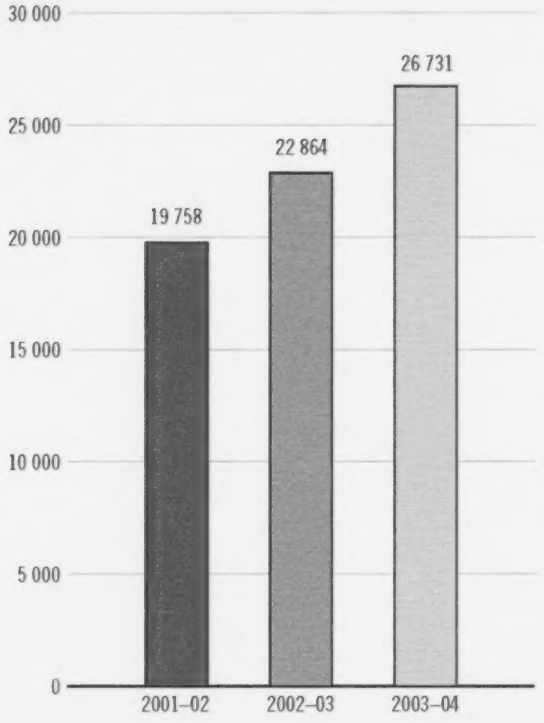


TABLE 15

Copyright applications filed by language

	2001–02	2002–03	2003–04
English	5148	6508	6480
French	1229	1430	1435
Total	**6377**	**7938**	**7915**

TABLE 16

Copyright applications filed and registered by province/territory

	Filed	Registered
Alberta	576	560
British Columbia	1091	1075
Manitoba	177	170
New Brunswick	70	69
Newfoundland and Labrador	25	24
Northwest Territories	4	4
Nova Scotia	107	106
Nunavut	1	1
Ontario	2711	2699
Prince Edward Island	12	12
Quebec	2021	2007
Saskatchewan	95	94
Yukon	7	7
Total	**6897**	**6828**

TABLE 17

Copyrights registered by origin as stated by applicant

	Registered
Australia	13
Bermuda	62
Brazil	1
British Virgin Islands	1
Canada	6828
China	61
France	78
Germany	15
Hong Kong	125
Italy	5
Japan	21
Luxembourg	2
Netherlands	8
Poland	24
Republic of Korea	2
Switzerland	12
Taiwan	6
Thailand	3
United Kingdom	40
United States	621
Total	**7928**

TABLE 18

Top 10 copyright applicants

Pearson Education Canada	244
Sweet Productions Inc.	148
Groupe Educalivres Inc.	99
Sound Ideas – A Division of The Brian Nimens Corporation Ltd.	98
Fabtrends International Inc.	76
Astravan Distributors Limited	50
Nicolas Trapeza	49
Beaulieu Canada Company	48
Novell, Inc.	46
Pebblehut Doc Series Inc.	45

Figure 12 Copyright applications

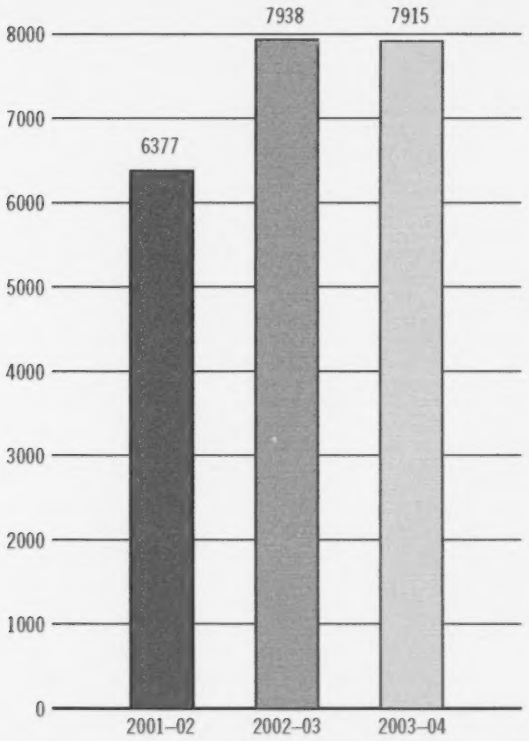


Figure 13 Copyright disposals

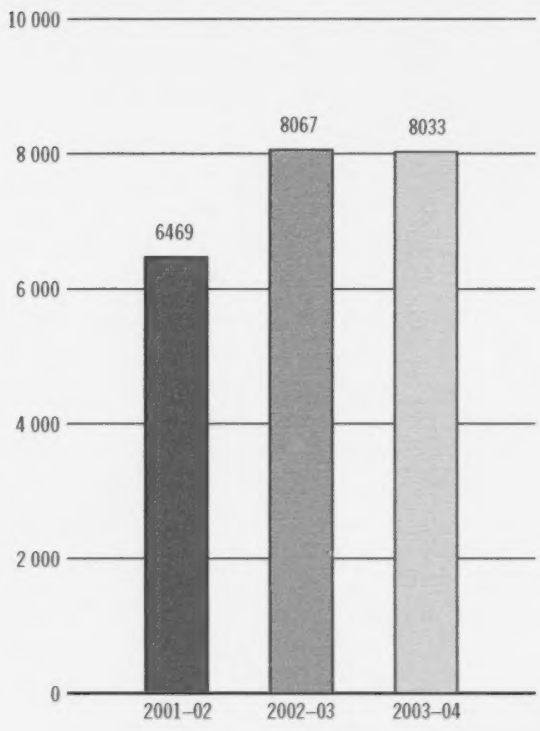


TABLE 19

Industrial designs registered by language

	2001–02	2002–03	2003–04
English	3027	2020	2825
French	101	78	83
Total	**3128**	**2098**	**2908**

TABLE 20

Industrial design applications filed and registered by province/territory

	Filed	Registered
Alberta	59	32
British Columbia	91	36
Manitoba	4	8
New Brunswick	11	9
Newfoundland and Labrador	2	3
Northwest Territories	0	2
Nova Scotia	10	6
Nunavut	0	0
Ontario	276	226
Prince Edward Island	0	2
Quebec	251	196
Saskatchewan	7	10
Yukon	1	0
Total	**712**	**530**

TABLE 21

Industrial design applications filed and registered by origin as stated by applicant

	Filed	Registered
Australia	33	25
Austria	12	30
Bahamas	5	9
Barbados	9	5
Belgium	14	3
Benelux	0	2
Bermuda	28	13
Brazil	15	9
British Virgin Islands	2	7
Bulgaria	2	0
Canada	712	530
China	67	80
Cyprus	0	3
Denmark	3	4
Finland	64	49
France	80	47
Germany	117	77
Hong Kong	34	22
India	6	3
Ireland	6	4
Israel	9	3
Italy	98	55
Japan	267	141
Luxembourg	0	1
Mexico	9	2
Netherlands	32	26
New Zealand	6	9
Norway	11	14
Panama	0	2
Philippines	0	2
Poland	2	0
Portugal	0	1
Republic of Korea	31	24
Russian Federation	2	3
Singapore	2	0
South Africa	2	2
Spain	9	6
Sweden	46	21
Switzerland	102	125
Taiwan	94	49
Thailand	2	0
United Kingdom	155	119
United States	1738	1380
Venezuela	0	1
Yugoslavia	1	0
Total	**3827**	**2908**

TABLE 22

Top 10 industrial design applicants

Nike International Inc.	80
The Proctor & Gamble Company	57
Nokia Corporation	56
Globe Union Industrial Corp.	52
Henri Studio Inc.	33
Dart Industries Inc.	31
Lifetime Products Inc.	31
Wolverine World Wide Inc.	31
Les Produits Aromatiques Clair de Lune Inc.	30
Michelin Recherche et Technique S.A.	24

TABLE 23

Top 10 industrial design registrants

Nike International Inc.	69
Dart Industries Inc.	48
Nokia Corporation	42
The Proctor & Gamble Company	37
Wolverine World Wide Inc.	33
Globe Union Industrial Corp.	30
PI Design AG	27
Michelin Recherche et Technique S.A.	24
Kimberly-Clark Worldwide Inc.	22
Bombardier Inc.	21

Figure 14 Industrial design applications

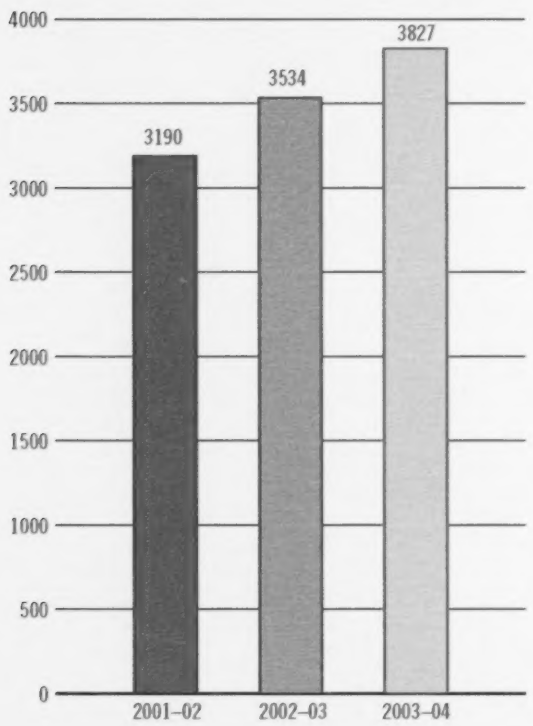


Figure 15 Industrial design disposals

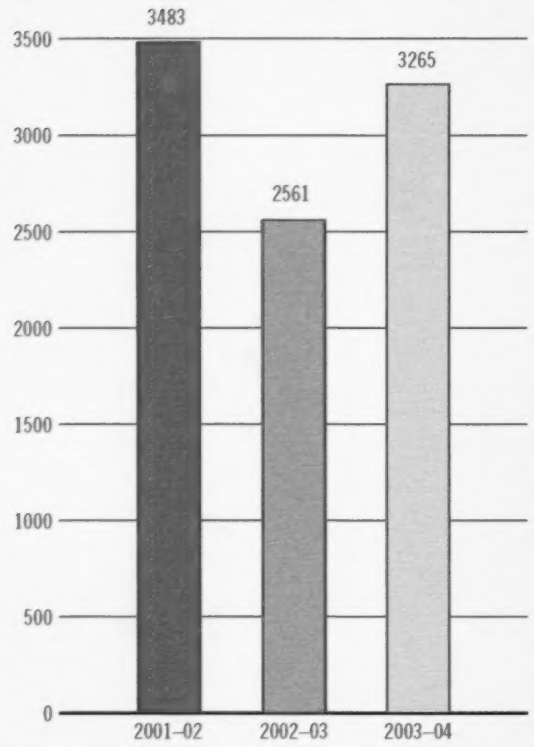


Figure 16 Internet traffic

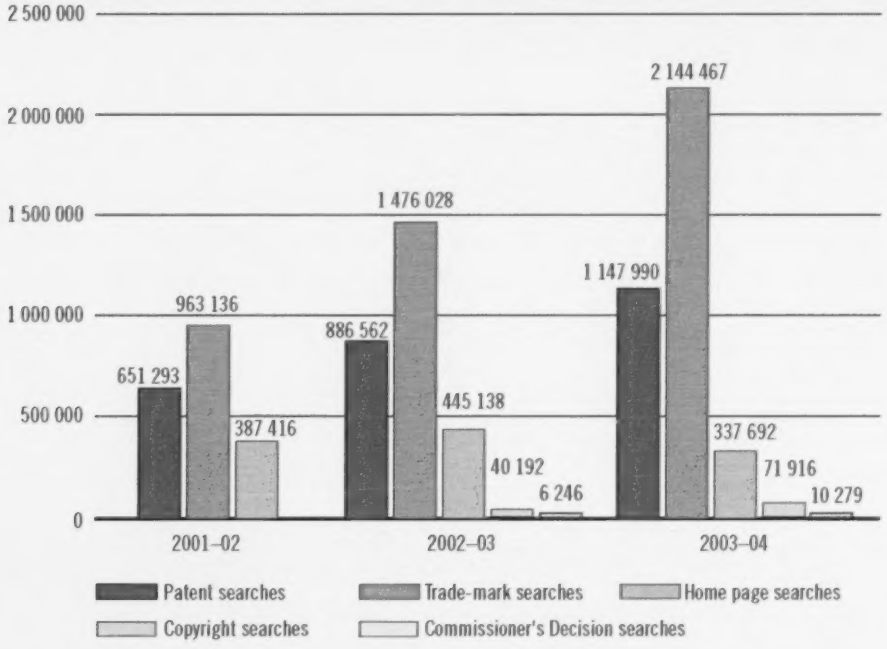


Figure 17 Enquiries

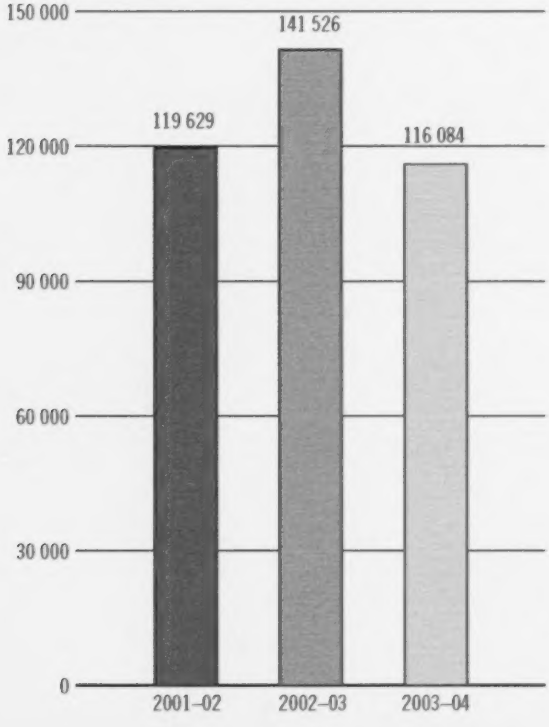


Figure 18 Employees by age group

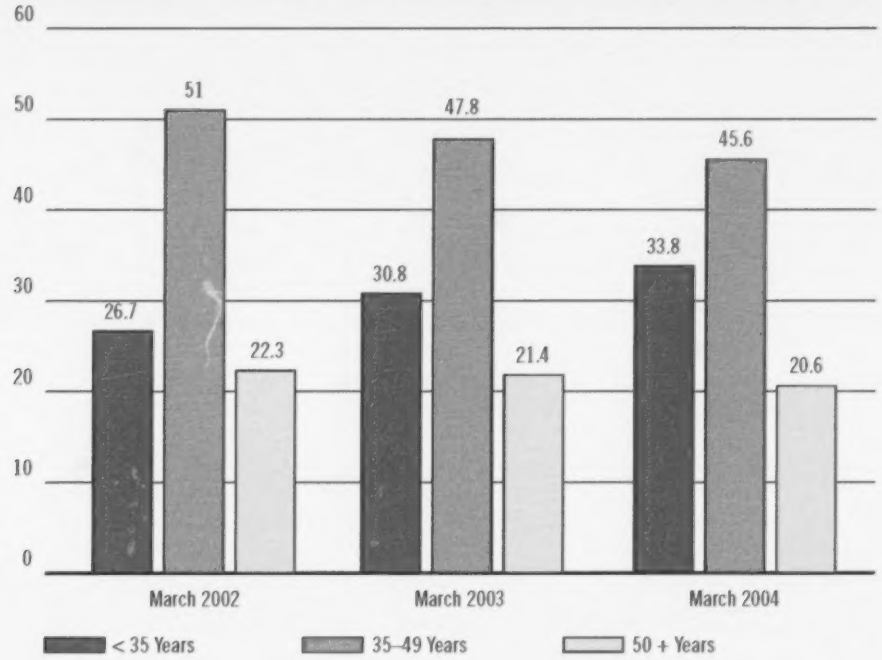


Figure 19 Total employees

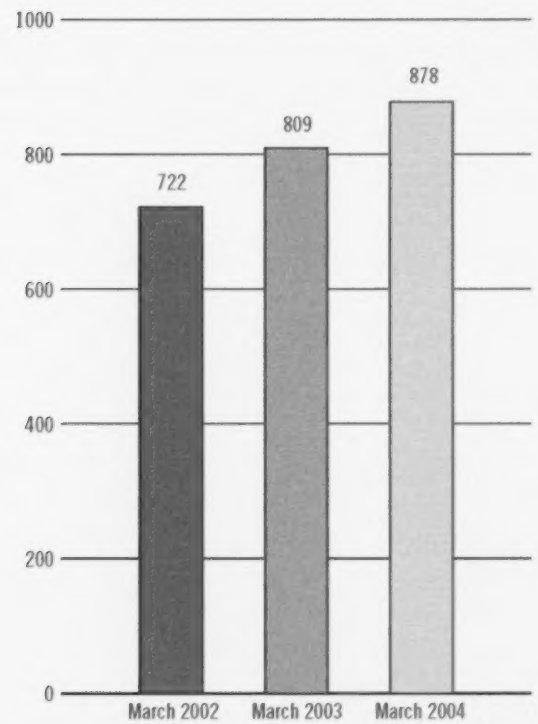
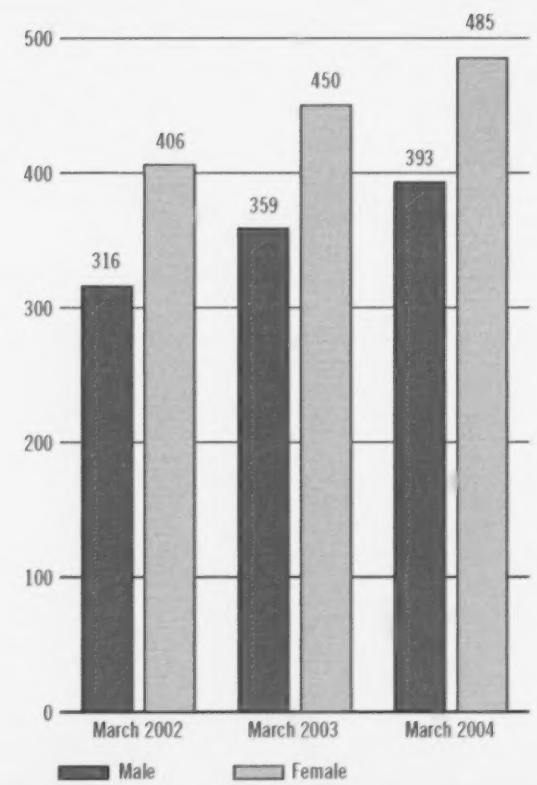


Figure 20 Employees by gender



Appendix 4

Client service standards

Services	Client service standards	Current status
PATENTS		
• issue filing certificate for patent applications meeting filing requirements	4 weeks from date of receipt	6 weeks
• issue confirmation of national entry for PCT applications meeting entry requirements	8 weeks from date of receipt	8 weeks
• issue an ownership registration certificate	6 weeks from date of receipt	7 weeks
• 80 percent of applications with a request for examination will be waiting for a first substantive examination action (including all known objections to patentability)	less than 24 months	less than 24 months
• issue a patent	12 weeks from date of receipt of final fees	12 weeks
PATENT APPEAL BOARD		
• Patents - contact applicant to arrange hearing date	24 months	24 months
• Industrial Designs - contact applicant to arrange hearing date	2 months	2 months
TRADE-MARKS		
• acknowledge correctly filed new applications	7 working days from filing date	4.1 working days
• acknowledge e-commerce applications	1 working day	1 working day
• approve acceptable applications	13 months from filing date	6.5 months
• issue first examination reports for unacceptable applications	13 months from filing date	6.5 months
• advertise marks in the *Trade-marks Journal*	6 weeks from date of approval	5 weeks
• allow unopposed marks where no examination report was needed	15 months from filing date	12.8 months
• allow unopposed marks where one or more examination reports were needed	20 months from filing date	23.4 months

Services	Client service standards	Current status
TRADE-MARKS (CONT.)		
• issue registration certificates	10 working days	20 working days
• issue assignment records for correctly filed assignment requests	6 weeks from date of receipt	10.1 weeks
• issue renewal certificates	15 working days from receipt of fees	4.6 working days
TRADE-MARKS OPPOSITION BOARD		
• respond to correspondence		
- opposition	1 month from receipt of correspondence	1 month
- section 45	1 month from receipt of correspondence	1 month
• conduct oral hearings		
- opposition	4 months from receipt of request	20 months
- section 45	4 months from receipt of request	12 months
• render decisions		
- oral hearing opposition	2 months from oral hearing	1 month
- oral hearing section 45	2 months from oral hearing	2 months
- non-hearing opposition	4 months from decision stage	15 months
- non-hearing section 45	4 months from decision stage	15 months
COPYRIGHTS		
• regular process		
- forward to reviewer for examination	2 weeks from receipt of application	6 days
- check application for accuracy	1 week from receipt of application	2 days
- assign copyright registration number, print registration certificate, carry-out quality control check	1 week from receipt of application	2 days
- mail registration certificate to applicant	4 weeks from receipt of application	3 weeks
• accelerated action - undertake process upon receipt of request; inform applicant by telephone	3 working days from receipt of request	1 working day

Services	Client service standards	Current status
COPYRIGHTS (CONT.)		
• assignments and licensing - verify authenticity of documents and issue file number on receipt of original document (or the certified true copy) to be registered - mail registration and assignment document to applicant	3.5 weeks	3 weeks
• copies or register extracts	2 working days	2 working days
• certified copies	3 working days	2 working days
INDUSTRIAL DESIGNS		
• receive applications - verify requirements are met - assign filing date and application number - prepare filing certificate or issue letter indicating application is incomplete	4 weeks from receipt	3.3 weeks
• classify applications in accordance with Canadian Industrial Design Classification system	2 weeks from preliminary classification	2 weeks
• search registered and prior art and examine applications to determine originality of designs - allow application or issue examiner's report outlining deficiencies	9 months from receipt	11.2 months
• assign registration numbers - microfiche and mail registration certificates	2 weeks from allowance	0.4 weeks
• abandonment and reinstatement - issue notification of abandonment	2 weeks after such files are identified	2 weeks
- return reinstated application to examination process	2 weeks from request	2 weeks
• prepare and mail transaction certificate and assignment	1 week from receipt of assignment	8 weeks
• prepare and mail maintenance certificate	1 week from receipt of fee	1 week

Services	Client service standards	Current status
CLIENT SERVICE CENTRE (INFORMATION BRANCH)		
• respond to telephone enquiries	immediately	within 24 hours
• consult with an Information Officer (on-site)	10 minutes	10 minutes
• acknowledge requests by voice mail, e-mail and the Internet	2 working days	2 working days
• acknowledge general correspondence and fax requests	5 working days	5 working days
• mail IP kits	2 working days	2 working days
• provide access to other on-site services	as posted in the Client Service Centre	as posted
RESOURCE CENTRE (INFORMATION BRANCH)		
• provide reference and research services (depending on level of complexity)	3 days from request	3 days
• provide interlibrary loans	5 days from request	5 days
REPRODUCTION AND SALES SECTION (INFORMATION BRANCH)		
• provide over-the-counter copies		
- small order	30 minutes	30 minutes
- large order	1 working day	1 working day
• provide certified copies	2–5 working days	2–5 working days

Appendix 5

Management team and regional advisors

Management team

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